

Estate of R.Owensby, Jr. vs. City of Cinti.  
December 15, 2003

1

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF OHIO

## WESTERN DIVISION

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ESTATE OF ROGER D. :  
OWENSBY JR., et al., :  
 :  
Plaintiffs, :  
vs. : Case No. 01-CV-769  
 : (Judge S. A. Spiegel)  
CITY OF CINCINNATI, :  
et al., :  
 :  
Defendants. :  
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Deposition of CRAIG RICHARD COBURN, a  
witness herein, called by the plaintiffs for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Wendy Davies  
Welsh, a Registered Diplomate Reporter and Notary  
Public in and for the State of Ohio, at the offices  
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &  
Walnut Centre, 105 East Fourth Street, Cincinnati,  
Ohio, on Monday, December 15, 2003, at 10:01 a.m.

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<p>1 APPEARANCES:</p> <p>2 On behalf of the Plaintiffs:</p> <p>3 Paul B. Martins, Esq. 4 Helmer, Martins &amp; Morgan Co. LPA 5 Suite 1900, Fourth &amp; Walnut Centre 6 105 East Fourth Street 7 Cincinnati, Ohio 45202 8 Phone: (513) 421-2400</p> <p>9 John J. Helbling, Esq. 10 The Helbling Law Firm, L.L.C. 11 3672 Springdale Road 12 Cincinnati, Ohio 45251 13 Phone: (513) 923-9740</p> <p>14 On behalf of the Defendants City of Golf Manor, 15 Stephen Tilley, Roby Heiland and Chris 16 Campbell:</p> <p>17 Lynne Marie Longtin, Esq. 18 Rendigs, Fry, Kiely &amp; Dennis 19 900 Fourth &amp; Vine Tower 20 One West Fourth Street 21 Cincinnati, Ohio 45202-3688 22 Phone: (513) 381-9200</p> <p>23 On behalf of Defendants City of Cincinnati, 24 Darren Sellers, Jason Hodge:</p> <p>25 Geri Hernandez Geller, Esq. 26 Assistant City Solicitor 27 Department of Law 28 Room 214, City Hall 29 801 Plum Street 30 Cincinnati, Ohio 45202 31 Phone: (513) 352-3346</p>	<p>1 STIPULATIONS</p> <p>2 It is stipulated by and among counsel for the</p> <p>3 respective parties that the deposition of CRAIG</p> <p>4 RICHARD COBURN, a witness herein, called by the</p> <p>5 plaintiff for cross-examination, pursuant to the</p> <p>6 Federal Rules of Civil Procedure, may be taken at</p> <p>7 this time by the notary; that said deposition may be</p> <p>8 reduced to writing in stenotype by the notary, whose</p> <p>9 notes may then be transcribed out of the presence of</p> <p>10 the witness; and that proof of the official</p> <p>11 character and qualifications of the notary is</p> <p>12 expressly waived.</p> <p>13 - - -</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>Page 3</p> <p>1 APPEARANCES (Continued):</p> <p>2 On behalf of the Defendants Robert B. Jorg, 3 Patrick Caton, Jason Hodge, Victor Spellien and 4 Darren Sellers:</p> <p>5 Donald E. Hardin, Esq. 6 Hardin, Lefton, Lazarus &amp; Marks, LLC 7 915 Cincinnati Club Building 8 30 Garfield Place 9 Cincinnati, Ohio 45202 10 Phone: (513) 721-7300</p> <p>11 - - -</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 5</p> <p>1 INDEX</p> <p>2 Examination by: Page</p> <p>3 Mr. Martins . . . . . 6</p> <p>4 - - -</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 Page</p> <p>8</p> <p>9 Plaintiff's Exhibits 98 &amp; 99 . . . . . 8</p> <p>10 Plaintiff's Exhibit 100 . . . . . 48</p> <p>11 - - -</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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1 I don't see where it says anything in here  
2 about me being at the hospital or not.  
3 Q. I think if you look at page 3.  
4 A. Okay.  
5 Q. About halfway down the page you say, "once  
6 we got him to the hospital. . ."  
7 A. Yeah.  
8 Q. Take a look at that.  
9 A. Yes.  
10 Q. Let me ask you some basic questions. Do  
11 you know who the UC personnel were that worked on  
12 Mr. Owensby?  
13 A. No, sir, I do not recall.  
14 Q. Do you know how many, either doctors or  
15 nurses, were involved in working on Mr. Owensby?  
16 A. No, sir, I don't recall.  
17 Q. In any event, you say that they worked on  
18 him for about 20 to 25 minutes. Do you see that?  
19 A. Yes.  
20 Q. Do you recall what they did?  
21 A. No, I don't recall.  
22 Q. Was there anything that you recall them  
23 doing that struck you as something that you folks  
24 had not done?

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1 A. I don't recall.  
2 Q. Or anything out of the ordinary?  
3 A. I don't recall.  
4 Q. You then say, "I stayed in the room and  
5 filled out the report after they pronounced him  
6 dead, and talked with the doctors and stuff." What  
7 room are you talking about?  
8 A. It's the resuscitation room.  
9 Q. So you were in the room with Mr. Owensby?  
10 A. Yes, sir.  
11 Q. You say you talked with the doctors and  
12 stuff. Do you know what doctors you talked to at  
13 that point?  
14 A. No, sir.  
15 (Mr. Helbling entered the deposition  
16 hearing room.)  
17 Q. Do you know if you talked to any nurses?  
18 A. I don't recall.  
19 Q. When you say "and stuff," that's what I'm  
20 trying to find out. What's the "and stuff"?  
21 A. We have a pretty good rapport and working  
22 relationship with the doctors and nurses. I mean,  
23 it might have been not even about the patient. It  
24 might have been, "How's the family? What's new?"

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1 Q. Do you know a nurse by the name of  
2 Flottemesch, Sue Flottemesch?  
3 A. Not offhand, I do not, no.  
4 Q. Do you know a male nurse by the name of  
5 McNamara?  
6 A. Not offhand, no.  
7 Q. You then say, the next sentence says, "And  
8 there was another. . . policeman from homicide that  
9 came in." Do you know who that is?  
10 A. No, sir.  
11 Q. When you say "came in," I guess, came into  
12 that resuscitation room?  
13 A. Yes, sir. I would assume that.  
14 Q. What did that officer do?  
15 A. It says here, "he entered, going through  
16 his clothes and taking his clothes off, and all that  
17 kind of stuff."  
18 Q. Do you know whether or not the officer who  
19 took off Mr. Owensby's clothes and went through his  
20 clothes removed anything?  
21 A. I do not recall.  
22 Q. Do you know if he removed any drugs that  
23 were found on Mr. Owensby?  
24 A. I do not recall. Sir, I do not recall.

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1 Q. Do you know, besides you and this officer,  
2 if anybody else was in the resuscitation room at the  
3 time that the officer was removing clothes and going  
4 through clothes?  
5 A. I do not recall.  
6 Q. How do you know the officer was from  
7 Homicide?  
8 A. I do not know. The only thing I would  
9 assume is that he had his badge on or his Cincinnati  
10 Police jacket or whatever. I don't know if he was  
11 from Homicide, I just --  
12 Q. That's what I'm asking you. I'm assuming  
13 you would.  
14 A. From what I remember he had some sort of  
15 identification that I would have known that he was a  
16 police officer. And he would have had to have --  
17 that person would have had to have clearance to come  
18 in that room from the hospital.  
19 Q. So you saw a person come in in a uniform  
20 that you understood to be a Cincinnati Police  
21 Department uniform?  
22 A. Yes, sir.  
23 Q. What I'm trying to ask is, how do you  
24 know, or do you know whether or not that person was

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1 from Homicide or some other division?  
2 A. I don't know. The only reason I was going  
3 to assume it was from Homicide was probably because  
4 he was like in plainclothes with his, maybe his name  
5 tag or his badge or a jacket that on the back said  
6 Cincinnati Police Homicide or something along those  
7 lines, but I don't recall.  
8 Q. Let me back up then. Do you recall  
9 whether or not the person who came into the room was  
10 in a police uniform or whether he was in  
11 plainclothes?  
12 A. I don't recall. I believe he was  
13 plainclothes.  
14 Q. Do you recall talking with this person?  
15 A. No, sir.  
16 Q. You indicated you don't recall anyone else  
17 or whether or not anyone else was in the room?  
18 A. I do not remember.  
19 Q. How long did you stay in the room after  
20 this police officer removed the clothes, went  
21 through the clothes?  
22 A. I do not remember.  
23 MR. HARDIN: Objection to the form of the  
24 question.

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1 MR. HARDIN: Do you mean the Homicide  
2 officer?  
3 MR. MARTINS: The policeman described on  
4 page 3.  
5 Q. Was the policeman male or --  
6 A. I don't recall.  
7 Q. Do you have any recollection of the  
8 policeman saying anything to you indicating that  
9 something was found in Mr. Owensby's pockets?  
10 A. I don't recall.  
11 Q. Let me rephrase the question. Saying  
12 anything that something was found in the pockets --  
13 may not have been said to you, but --  
14 A. I don't recall.  
15 (Plaintiff's Exhibit  
100 was marked for  
16 identification.)  
17 Q. Let me show you what's marked as  
18 Exhibit 100. Do you recall seeing any of the items  
19 pictured in Exhibit 100 at any time on the night of  
20 November 7th?  
21 A. I do not remember.  
22 Q. You don't remember seeing any officer,  
23 police officer, remove any such items?  
24 MS. GEILER: Objection. Asked and

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1 Q. Do you recall whether anyone else came  
2 into the room while you were there, other than this  
3 person you describe as a policeman?  
4 A. I do not remember.  
5 Q. When the doctors or doctor pronounced Mr.  
6 Owensby dead, did the doctor then leave the room?  
7 A. I do not remember.  
8 Q. Were you present when they pronounced him  
9 dead?  
10 A. I do not remember. It doesn't clearly  
11 state here, but I assume that I -- well, I usually  
12 stick around -- once I deliver a patient, I usually  
13 stay there until whatever happens happens.  
14 Q. After they pronounced him dead, do you  
15 have a recollection of how long you remained in the  
16 room?  
17 A. No, sir, I don't remember.  
18 Q. Where was your partner while you were in  
19 this room?  
20 A. I don't remember. Probably cleaning out  
21 the ambulance and restocking the supplies.  
22 Q. Do you recall the officer saying anything  
23 to indicate to you that -- let me back up.  
24 Was the officer male or female?

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1 answered.  
2 A. Yeah. I don't remember.  
3 Q. Do you recall where Mr. Owensby was when  
4 you left UC hospital?  
5 A. From what I remember, he was still in the  
6 resuscitation room.  
7 Q. When you left do you recall if anybody was  
8 with him?  
9 A. I do not remember.  
10 Q. Do you know whether or not this policeman  
11 that you identify on page 3 of Exhibit 98 was with  
12 Mr. Owensby when you left?  
13 A. I don't remember.  
14 Q. Did you see any family members when you  
15 stepped out of the resuscitation room?  
16 A. No, sir, not that I recall.  
17 Q. Did you see -- were you around when the  
18 doctors told the family --  
19 A. No, sir.  
20 Q. -- that Mr. Owensby was dead?  
21 A. No, sir.  
22 Q. Do you recall whether or not the doctor  
23 made any assessment of the cause of death, other  
24 than obviously, his heart wasn't beating?

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<p style="text-align: right;">Page 50</p> <p>1 A. No, sir.</p> <p>2 Q. Do you know who Dr. Schultz is, Daniel</p> <p>3 Schultz, deputy coroner?</p> <p>4 A. No, sir.</p> <p>5 Q. So I take it you wouldn't know if he</p> <p>6 arrived on the scene while you were there?</p> <p>7 A. No, I would not know that.</p> <p>8 Q. I take it you do not recall whether</p> <p>9 anyone, other than this police officer identified on</p> <p>10 page 3 of Exhibit 98, were ever with the body of Mr.</p> <p>11 Owensby, obviously, other than you?</p> <p>12 A. Yeah. I don't know.</p> <p>13 Q. Have you performed CPR on individuals?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Based on your experience and training on</p> <p>16 performing CPR, should the individual be laying flat</p> <p>17 on the ground?</p> <p>18 A. Yes, sir.</p> <p>19 Q. That's so that you have an area to push on</p> <p>20 the chest?</p> <p>21 A. Yes, sir. Specifically, the upper half of</p> <p>22 the chest should be on a flat surface.</p> <p>23 MR. MARTINS: Let's take a short break.</p> <p>24 (Recess taken: 11:07 a.m. - 11:11 a.m.)</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No, sir, she's a firefighter/EMT.</p> <p>2 Q. Do you know whether or not Ms. Weddle was</p> <p>3 performing any medical services at the time?</p> <p>4 A. I don't recall exactly when she was doing</p> <p>5 when we pulled up. All I know is, from what I</p> <p>6 remember, she's the one that drove us to the</p> <p>7 hospital in the ambulance.</p> <p>8 Q. Say that again?</p> <p>9 A. She drove the ambulance to the hospital.</p> <p>10 Q. Did you go to the hospital in your rescue</p> <p>11 unit?</p> <p>12 A. Yes.</p> <p>13 Q. So she drove?</p> <p>14 A. Yes. So my partner and I could ride in</p> <p>15 back.</p> <p>16 Q. Do you know what she did once you got to</p> <p>17 the hospital?</p> <p>18 A. I do not know.</p> <p>19 Q. Do you know how she got back to Engine 2?</p> <p>20 A. Yes, sir. We took her back to Engine 2.</p> <p>21 Q. So when you eventually came out of the</p> <p>22 resuscitation room you hooked up with your partner</p> <p>23 and Ms. Weddle and you drove back, or one of you</p> <p>24 drove back?</p>
<p style="text-align: right;">Page 51</p> <p>1 BY MR. MARTINS:</p> <p>2 Q. Do you happen to know any of the personnel</p> <p>3 that were on the scene at Seymour Avenue and Langdon</p> <p>4 Farm from Engine 8?</p> <p>5 A. From what I recall, Greg Phelia was there.</p> <p>6 I know who the guys on Engine 8 were, but I can't</p> <p>7 say exactly who -- I just don't remember exactly who</p> <p>8 was there that night.</p> <p>9 Q. Mr. Phelia was doing what?</p> <p>10 A. When we arrived he was attempting to start</p> <p>11 the IV.</p> <p>12 Q. Other than Mr. Phelia, I take it you can't</p> <p>13 recall the identities of any of the Engine 8</p> <p>14 personnel?</p> <p>15 A. No, sir, not offhand.</p> <p>16 Q. What about Engine 2, can you identify any</p> <p>17 Engine 2 personnel?</p> <p>18 A. Yeah. Engine 2, it was Ron Killion, and I</p> <p>19 remember Leah Weddle. I don't remember who the</p> <p>20 other two personnel were that were there.</p> <p>21 Q. How do you spell that?</p> <p>22 A. Leah is L-E-A-H. And her last name is</p> <p>23 W-E-D-D-L-E.</p> <p>24 Q. Is Leah Weddle a paramedic?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Yeah. I don't remember who drove back.</p> <p>2 Q. Do you have a recollection of when you got</p> <p>3 back to your home base?</p> <p>4 A. I don't recall. I don't remember what</p> <p>5 time it was.</p> <p>6 Q. Do you recall if it was before midnight or</p> <p>7 after midnight?</p> <p>8 A. I'm -- I would say, yeah, it would have</p> <p>9 been before midnight.</p> <p>10 Q. Based on your recollection, I know you</p> <p>11 can't give me the exact time that you left UC</p> <p>12 hospital, but can you give me an idea of how much</p> <p>13 time you spent at UC hospital? Are we talking a</p> <p>14 half-hour, are we talking an hour?</p> <p>15 A. I would say probably at least a half-hour.</p> <p>16 Because I remember reading, it said that they had</p> <p>17 worked on him for 20 to 25 minutes. And I was there</p> <p>18 until after they pronounced him. So during that</p> <p>19 time, and give or take another five or ten minutes.</p> <p>20 Q. Would it be fair to say somewhere between</p> <p>21 a half-hour and an hour?</p> <p>22 A. Yes, sir.</p> <p>23 Q. As I understand your statement, while you</p> <p>24 are in the resuscitation room, is that when you're</p>

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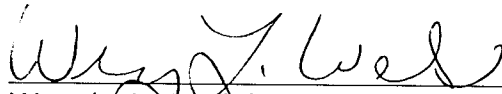
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AFFIDAVIT

- - -

STATE OF OHIO :  
COUNTY OF HAMILTON : SS

I, Wendy L. Welsh, Notary Public in and for the State of Ohio, do hereby state that the transcript of the deposition of CRAIG RICHARD COBURN, deponent herein, having been submitted to said deponent for review and signature, has not been signed within the twenty-eight (28) day period allowed under the Federal Rules; said deposition to now have the same force and effect as though signed.

  
Wendy L. Welsh, Court Reporter

Sworn to before me this 10<sup>th</sup> day of FEBRUARY, 2004.



Thomas M. Blasing  
Notary Public - State of Ohio

My commission expires:  
May 4, 2004.